

II. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 24-65 are pending in this Application, with Claims 24, 45, 66, 87, and 108 being independent. Claims 66-128 have been cancelled from the subject application, but will be re-filed in a divisional application.

The undersigned and Applicants' Canadian representative, Mr. Omar Nassif, would like to thank Examiner Bui for the cordial and productive interview of January 16, 2004. The Examiner's helpful comments and suggestions were instrumental in preparing this response.

In response to the Election of Species Requirement, Applicants' provisionally elect Species 5 (Fig. 5), with traverse. Traversal is on the grounds that a search of the art for one species will necessarily include a search of the art for the other species. It is believed that the burden on the Examiner to examine all claims in a single application is less than the burden on the Applicants/public to prosecute/search more than one application/patent. Applicants submit that Claims 24, 31-32, 35-39, 41, 44-45, 51-53, and 56-63 are directed to the elected species.

As discussed at the interview, Applicants have amended certain claims for clarity with respect to the specification and Drawings, and not in response to any statutory requirement.

While continuing to traverse the obviousness-type double patenting rejection set forth in the May 21, 2003 Office Action, Applicants submit herewith a Terminal Disclaimer with respect to U.S. Patent Nos.: 6,217,608; and 6,375,677 to rapidly advance the subject application to issue.

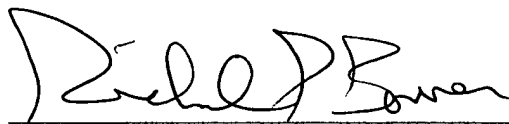
As discussed at the interview, each of independent Claims 24 and 45 recites a novel combination of structure and/or function whereby the unexpanded stent includes undulating circumferential portions and longitudinal portions. Each longitudinal portion includes a flexure member. Each flexure member is, in two dimensions, (i) non-sinusoidal, (ii) isolated with respect to at least one adjacent circumferential portion, and (iii) arcuate. None of the art of record in the case (including those listed above) discloses or suggests the claimed combination of features including those noted above. As discussed at the interview, Roubin has been antedated by Applicants' Canadian priority documents (see, for example, Fig 5 of CA 2,171,047, filed March 5, 1996). The flexure members of Pinchasik are not both non-sinusoidal and isolated. The flexure members of Globerman are not both non-sinusoidal and arcuate.

Accordingly, the salient claimed features of the present invention are fully patentable over the cited art.

Applicants submit that in view of the above amendments and remarks, this application is in condition for allowance, and a notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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